



U.S. DEPARTMENT of STATE

Togo

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

Togo is a republic dominated by President Gnassingbe Eyadema, who came to power in 1967 following a military coup. Eyadema and his Rally of the Togolese People party (RPT), strongly backed by the armed forces, continued to dominate political power and maintained firm control over all levels of the country's highly centralized government. In 2002, the newly elected National Assembly modified the Constitution, which had limited the President to two 5-year terms, and permitted President Eyadema to seek re-election. Contrary to a public statement that he would not seek re-election, President Eyadema ran against four opposition party leaders and one independent candidate in June 2003, and his RPT party declared victory, claiming 57.22 percent of the vote. The election was marred by voter inability to access their registration cards, and the Government failed to investigate allegations of irregularities, including intimidation of opposition party monitors and the stuffing of ballot boxes. The executive branch continued to influence the judiciary.

The security forces consist of the army (including the elite Presidential guard), navy, air force, the Surete Nationale (including the national police), and the Gendarmerie. The police and Gendarmerie perform domestic intelligence functions. Approximately 75 percent of the army's officers and soldiers are from the President's Kabye ethnic group. While civilian authorities generally maintained effective control of the security forces, there were a few instances in which elements of the security forces acted independently of government authority. Members of the security forces committed serious human rights abuses.

According to the Ministry of Economy and Finance, approximately 72 percent of the country's estimated working population of 2.3 million (out of an estimated population of 5 million) was engaged in agriculture, but there was also an active commercial sector. Approximately 4 percent of the population was engaged in the private commercial and industrial sector, 2 percent in the public sector, and 22 percent in the informal sector. Economic growth continued to lag behind population growth. Anti-corruption efforts continued, but the Government's budgetary and fiscal discipline continued to be weak. International and bilateral donors announced the release of some funds and laid out conditions that must be met for the resumption of full assistance.

The Government's human rights record remained poor; although there were a few improvements, serious problems remained. Citizens' right to change their government was restricted in practice. Security forces committed unlawful killings and beat civilians. Impunity was a serious problem. The Government jailed and at times tortured political opponents and critics of the Government. Prison conditions remained very harsh. Arbitrary arrest and detention were problems. Prolonged pretrial detention was common. The judiciary did not ensure fair and expeditious trials. Security forces infringed on citizens' privacy rights. The Government and the security forces restricted freedom of speech and of the press and harassed journalists and political opponents. The Government restricted freedom of assembly, association, and movement. The National Commission for Human Rights (CNDH) continued to be dominated by supporters of the President. The Government did not impede work of international NGOs during the year. Violence and societal discrimination against women remained problems. Female genital mutilation (FGM) persisted among some ethnic groups. Trafficking in women and children remained a problem. Favoritism among certain ethnic groups remained a problem. The Government limited workers' rights to collective bargaining. Child labor was a problem.

In April, the Government began formal political consultations with the European Union. Subsequently, the Government adopted a new press code; released 500 prisoners, including some described by opposition parties and human rights groups as political prisoners, and began discussions with the political opposition.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by the Government or its agents; however, during the year, two persons died of alleged abuse while in custody. On January 7, Kouma Tengue was arrested for assaulting and injuring a young man. He died 3 days later while in police detention in Keve, a small town in the southeastern region. The private press, Togolese League of Human Rights (LTDH), and the International Federation of Leagues of Human Rights (FIDH) reported that Tengue's autopsy

revealed that he died from a violent shock (his face and body bore signs of beating) and not by drowning as the security officer maintained.

On August 14, Army Lieutenant Innocent Kondoh Kpandang died in the civil prison of Lome after 15 months in detention for alleged participation in coup-plotting. According to press reports Lieutenant Kpandang died after prison officials refused to allow him access to medical treatment for a chronic condition.

The Government took no action against the security force members who killed three civilians in two separate clashes related to the June 2003 presidential election.

Unlike in the previous years, there were no deaths resulting from clashes during demonstrations.

There was no action taken, nor was any action likely to be taken, in the cases of unlawful killings from previous years.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and physical abuse of prisoners and detainees; however, there were reports such practices occurred. Some former prisoners credibly claimed that security forces beat them during detention; however, there were fewer reports than in previous years. The LTDH and the FIDH reported that Kouma Tengue died from beatings while in custody (see Section 1.a.). Impunity remained a problem, and the Government did not publicly prosecute any officials for these abuses.

Security forces reportedly detained and tortured opposition members (see Section 1.d.).

Security forces harassed, intimidated, and beat journalists (see Section 2.a.).

Security forces forcibly dispersed demonstrations and injured persons (see Section 2.b.).

There was no action taken, nor was any likely to be taken, against those responsible for the 2002 alleged beating of two opposition Action Committee for Renewal (CAR) party members by security forces.

Prison conditions remained very harsh, with serious overcrowding, poor sanitation, and unhealthy food. In December, Lome's central prison, meant to hold 500 prisoners, held 1600 inmates, including 64 women prisoners. More than 85 percent of inmates were pretrial detainees. Medical facilities were inadequate, and disease and drug abuse were widespread. Sick prisoners reportedly had to pay approximately \$2.75 (1,500 CFA francs) to guards before being allowed to visit the infirmary. There were reports that prison security officials sometimes withheld medical treatment from prisoners (see Section 1.a.). Lawyers and journalists reported that prison guards charged prisoners a small fee to shower, use the toilet, or have a place to sleep.

The children of convicted women were often incarcerated with their mothers, who were housed separately from the male prisoners. Juvenile prisoners were held separately from adults. Pretrial detainees were not held separately from convicted prisoners.

Unlike in previous years, local NGOs were allowed access to all prisons in the country. An international NGO, Human Rights Certification (HRC), visited prisons during the year to investigate the presence of political prisoners; local NGOs, African Committee for the Promotion and Support of Human Rights and the African Center for the Rehabilitation of Victims of Torture and Repression, also visited prisons in June and reported lack of medical facilities. The LTDH was allowed full access after the Government began consultations with the European Union (EU) in April.

Diplomatic representatives were given access to their detained citizens.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, the Government generally disregarded these prohibitions.

Police were generally ineffective and corrupt. Security Forces for the Presidential Election was established to avoid possible clashes during elections and was composed of members of various police units; however, it was disbanded after the 2003 elections. Impunity was a problem. The Government in general did not investigate or punish effectively those who committed abuses, nor did it prosecute persons responsible in previous years for unlawful killings and disappearances.

The law authorizes judges, senior police officials, prefects, and mayors to issue warrants. Although detainees have the right to be informed of the charges against them, police sometimes ignored this right. The law allows authorities to hold arrested persons incommunicado without charge for 48 hours, with an additional 48-hour extension in cases deemed serious or complex. Family members and attorneys officially had access to a detainee after 48 or 96 hours of detention; however, authorities often delayed, and sometimes denied, access. The law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail; however, in practice detainees often were held without bail for lengthy periods with or without the approval of a judge.

Unlike in the previous year, the Government did not use brief investigative detentions of less than 48 hours to harass and intimidate opposition activists and journalists.

The Government at times resorted to false charges of common crimes to arrest, detain, and intimidate opponents. For example, on May 20, Marc Palanga, the Union of Forces for Change (UFC) leader in Kara, was released after spending 15 months in prison. He had been arrested in February 2003 on suspicion of gun possession and accused of making false allegations against Lieutenant Colonel Ernest Gnassingbe, the President's son and former commander of the Kara Para commando military base during an earlier detention. Palanga was finally tried and sentenced on May 3 to 7 months in prison for assaulting gendarmes and assisting with the prison escape of Mazama Katassa; he was released 17 days later. Palanga reported that he had been beaten regularly while in detention.

On May 28 Daniel Koffi Aganon, UFC youth president, and Vincent Godevi, UFC youth member, were sentenced to 8 years in prison for alleged possession of arms. They had been arrested in June 2003 for organizing demonstrations and distributing political handouts protesting the 2003 presidential election results. The Government released them and other prisoners on August 17 under a presidential amnesty.

Aganon reported that during his 3-month detention he was beaten with a police baton while his hands and feet were tied, in an attempt to force a confession. Aganon reported that police also beat Vincent Godevi while in custody.

In December, various media outlets reported that Hemou Kpatcha, former prefect, was incarcerated in October for providing Togolese identification documents to former Prime Minister and regime critic Agbeyome Kodjo in the 1980s. At year's end, Kpatcha had been detained for 2 months without formal charges. The Government refused to answer inquiries from human rights NGOs and refused to allow them to meet with Kpatcha.

After forcibly dispersing demonstrations during the year, members of the security forces arrested and detained participants, sometimes without charges (see Section 2.b.).

A shortage of judges and other qualified personnel, as well as official inaction, resulted in lengthy pretrial detention--in some cases several years--and confinement of prisoners for periods exceeding the time they would have served if tried and convicted. Lawyers estimated that in December 85 percent of the prison population was pretrial detainees (see Section 1.c.).

One of the Government's 22 commitments to the European Union was to release all political prisoners; however, the Government claimed it held no political prisoners or detainees. The Government subsequently released an estimated 500 prisoners after a monitoring visit by HRC raised questions about why some were in detention. Many of the released prisoners had been detained for months without trial (see Section 1.e.).

The military officers and soldiers arrested in May 2003 for connections to the alleged coup-plotting of Lieutenant Colonel Kouma Bitenewe were not among the estimated 500 prisoners released in August.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the executive branch continued to exert control over the judiciary.

There were three associations of magistrates in the country: The Union of Magistrates of Togo (SMT), the National Association of Magistrates (ANM), and the Professional Association of Magistrates of Togo (APMT). A majority of the APMT members were supporters of President Eyadema. Judges who belonged to the pro Eyadema APMT reportedly received the most prestigious assignments, while judges who advocated an independent judiciary and belonged to the ANM and SMT often were assigned to second-tier positions. For example, in Lome, the presidents of the Constitutional Court, Supreme Court, Court of Appeals and First Instance Court were members of the APMT as were the Public Prosecutor and the Attorney General. In Kara, the president of the Court of Appeals and the president of the First Instance Court were members of the APMT.

The Constitutional Court stands at the apex of the court system. The civil judiciary system includes the Supreme Court, Appeals Courts, and First Instance Court. A military tribunal exists for crimes committed by security forces; its proceedings are closed. The court system remained overburdened and understaffed.

The judicial system employs both traditional law and the Napoleonic Code in trying criminal and civil cases. Trials are open to

the public, and judicial procedures generally are respected. Defendants have the right to counsel and to appeal. The Bar Association provides attorneys for the indigent. Defendants may confront witnesses and present evidence on their own behalf.

In rural areas, the village chief or council of elders is authorized to try minor criminal and civil cases. Those who reject the traditional ruling can take their cases to the regular court system, which are the starting point for cases in urban areas.

Although the Government stated that there were no political prisoners in the country, they released 500 prisoners during the year. Those released included seven members of the main opposition party UFC, who were arrested in 2003 for various alleged misdeeds at the time of the presidential election. The UFC confirmed that Daniel Koffi Aganon, youth leader and Vincent Godevi, UFC youth member, arrested in June 2003, and their comrades Ayi Hillah, Ahlin Kokou Byll, Kossi Nayo, Georges Damessi, and Epiphane Tossavi, arrested in May 2003, and convicted on May 28, were released on August 17 (see Section 1.d.). On August 17, the Government also released the former Mayor of Lome who was accused of corruption and misappropriation of public funds and detained for nearly 3 years without trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices; however, security forces often infringed on these rights. In criminal cases, a judge or senior police official may authorize searches of private residences, and in political and national security cases the security forces need no prior authorization. Unlike in previous years, there were no reports that police conducted searches without warrants.

Unlike in previous years, there were no reports that security forces entered private residences for the purpose of disrupting meetings among opposition political figures.

In June, former president of the National Assembly and regime critic Dahuku Pere addressed a letter to the Minister of Interior requesting the return of three boxes of documents gendarmes confiscated when they searched the house of Kpindji-Nade Alfa, a member of Pere's political party, in June 2003. At year's end, the Government had taken no action on this request.

Citizens believed that the Government monitored telephones and correspondence, although such surveillance was not confirmed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, while there were some improvements in the media environment, there continued to be significant problems. The Government sometimes harassed and intimidated journalists. Independent newspapers were not permitted to circulate in Kara until mid-July. Unlike in the previous year, there were no reports that security forces interfered with the distribution of newspapers. There were reports that the Government interfered with radio stations during the year. Journalists practiced self censorship.

On August 24, the National Assembly approved a revised press code which eliminated most prison sentences but maintained them for journalists who: incite ethnic or racial hatred; incite the population to violate national laws; incite armed and security forces to rebellion; or incite the population to theft and destruction of property. In addition, any person or organization that publishes articles under a false name could be subject to a prison term. The revised code also increases financial penalties against journalists accused of a range of transgressions, including insulting or reporting false information regarding the president or other government officials. The law sets standards of professionalism for journalists and requires that the licenses of journalists be revoked if they are convicted more than once of offenses such as defamation or if they violate standards of professional conduct. In addition, the law requires independent newspapers to ensure their reporting staffs are at least one-third "professional journalists," a status accorded only by the Government.

The Constitution established the High Authority of Audiovisual and Communications (HAAC) to provide for the freedom of the press, ensure ethical standards, and allocate frequencies to private television and radio stations. Although nominally independent, in practice the HAAC operated as an arm of the Government. In November, the Government annulled the 1996 law that established the HAAC, and passed a new law which specified that the HAAC is independent from all political and administrative authorities. Other changes included increasing the number of HAAC seats from seven to nine and specifying that journalists or communications specialists must fill at least two seats. Under the new law, three seats are chosen by the President, three by the Senate, and three by the National Assembly. The law also allows the HAAC to manage its budget independently of the Government. In July 2003, the Togolese Council of Editors of Private Press (CTEP) received a substantial grant from President Eyadema ostensibly intended to strengthen the professionalism of independent journalists. Media organizations that predate the CTEP, including the Association of Press Editors and Union of Editors and Press insisted that the Government used the CTEP to guide resources to select publications.

On September 16, President Eyadema reportedly convoked CTEP members to his office to demand that they reinstate Lucien Messan as chairman after the organization removed him from his position on September 3, apparently due to lack of transparency in his management of the organization's funds. Messan was reinstated effective October 1.

There was a lively independent press, most of which was heavily politicized, and some of which was highly critical of President Eyadema. More than 15 privately owned newspapers were published with some regularity. The only daily newspaper, Togo-Presse, was government-owned and controlled. There were several independent newspapers that published on weekly and biweekly schedules. The official media heavily slanted their content in favor of the President and the Government.

Radio remained the most important medium of mass communication. Some private radio stations broadcast domestic news; however, they offered little of the political commentary and criticism of the Government that was widespread in the print media.

The government-owned Togo Television was the only major television station in the country. Four smaller television stations operated during the year but their broadcasts were limited to certain geographic areas. TV-2, RTDS, and TV7 carried France-based TV-5's international news programming, and TV-Zion's content was of a primarily religious nature. TV2 also carried weekly political debates through two programs, Le Club de la Presse (until it was canceled) and Metro Express, a weekly political forum where governing and opposition party leaders, human rights organizations, and other observers participated in discussions on political issues and participants criticized the Government.

In one instance members of the security forces beat journalists, and there were a few reports that government officials harassed members of the media; however, there were fewer reports than in previous years. There were no reports of journalists arrested or detained during the year. On May 15, in a widely distributed letter addressed to the human rights organization LTDH, Yves Kpeto of Radio Nana FM claimed that while covering a student demonstration on the University of Lome campus on April 30, security forces beat him, newspaper reporter Kwamivi Amouzouvi, and some University students. Kpeto wrote that the beatings took place in front of two Government ministers. Security forces confiscated Kpeto's microphone, diskette, and identification cards. The microphone and the identification cards were returned 4 days later. The diskette, which contained an interview with the Minister of Higher Education and the president of the University, were not returned to Kpeto.

In August, President Eyadema convoked Philip Evegnon, editor of the weekly newspaper Point of the Week (Le Point de la Semaine), and questioned Evegnon about anti-government remarks he had made on Le Club de la Presse, a live television program. According to press reports, the director of the television station that carried the program, Jaures Tcheou, resigned after the Minister of Communication threatened him. The program was cancelled shortly thereafter.

At year's end, the trial of Kodjo Saliadin had not been held. Saliadin, editor of the private journal Tribune du Peuple, was charged with "Outrage to the National Police" for an article that alleged a UFC activist, Anoumou Ekoe, had been arrested, and subsequently released, for participating in a UFC demonstration in September 2002.

There were reports that the Government interfered with two radio stations during the year. In October the HAAC ordered Radio Maria, a religious radio station, to stop airing a political debate program. The HAAC claimed that Radio Maria did not have the correct license to broadcast political content; however, the 1999 Decree on the General Requirements and Obligations of Private Radio and TV stations states that radio stations may broadcast political programs but not political advertising. British Broadcast Corporation (BBC) began broadcasting its French-language program in the country on November 11. The Government ordered BBC to cease transmission on November 22, shortly after it aired an interview with exiled opposition leader Gilchrist Olympio, and BBC remained off the air at year's end.

There was no pre-publication censorship of print media in law or practice; however, journalists practiced varying degrees of self censorship. Unlike in the previous year, there were no reports that security forces interfered with the distribution of newspapers.

Opposition party websites were inaccessible at the beginning of the year; however, after the Government began consultations with the EU, the websites became accessible.

Unlike in the previous year, the Government did not restrict academic freedom; however, security forces maintained a presence at the University of Lome. According to students and professors, a government informer system continued to exist and gendarmes went undercover on campus and attended classes.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government often restricted this right in practice. During the year opposition parties held one demonstration that occurred without incident. Government officials prohibited, and security forces forcibly dispersed, student gatherings.

If a political party wishes to hold a demonstration or rally on public property, it is required to notify the Minister of the Interior; however, if a political party intends to hold a rally on private property, notification is legally not required.

Security forces forcibly dispersed student demonstrations during the year. In February, security forces permanently assigned to the University of Lome campus prevented students from holding a special general assembly to discuss student benefits. Security forces used tear gas to disperse the students.

On April 30, security forces dispersed a student demonstration on the University of Lome's campus called to protest the irregular

payment of educational allowances and what students saw as preferential treatment accorded their counterparts at the new University of Kara in the northern region. Students reacted by destroying University property, including school buses, setting two police and one military vehicle on fire, and breaking the windshields on private vehicles and gendarmerie transport trucks. Security forces beat protesters, and arrested 15 persons. On May 24, nine persons, including six students, were sentenced to 18 months in prison in connection with the April campus clashes after a rushed trial and presentation of evidence that legal observers described as flimsy. The judge also convicted a photographer and two moto-taxi drivers. On September 7, the President pardoned the nine.

On July 30, the president of the University of Lome expelled Jean-Paul Edoh Nunyava Oumolou and suspended six student representatives for organizing the campus demonstrations in April. The suspended students claimed that the Government punished them because they refused to read a statement prepared by a former government official. The statement--which was read on camera by other students--accused opposition parties of inciting the demonstrations to disrupt the EU-Togo consultations. The student representatives who read the statement on television were not suspended. Oumolou was arrested December 20 while distributing a flyer on the University campus. Oumolou was charged with incitement to violence and destruction of property in connection with the April demonstration on the University campus. At year's end, Oumolou was being held at the Central Prison of Lome, awaiting trial.

The UFC member convicted for inciting a riot that resulted in the death of one civilian in the northern city of Mango in September 2003 was sentenced to 26 months in prison and pardoned by the President in April.

Under the Constitution, citizens have the right to organize associations and political parties; while there were improvements in this area, the Government denied official recognition to some associations, including some human rights groups such as LTDH, the country's first independent human rights group. Unlike in the previous year, political parties were able to elect officers and register; opposition party offices were permitted to operate in most towns in the central and northern regions.

There were many NGOs; they were required to register with the Government. The Government established requirements for recognition of associations and non-governmental organizations. The Interior Ministry issues official recognition. Upon filing with the Ministry, associations are given a receipt allowing them to begin operations. The Civil Security Division also has enforcement responsibilities when there are problems or complaints concerning an association or an organization. If an application provides insufficient information for recognition to be granted, the application remains open indefinitely. Members of groups that are not officially recognized could organize activities but do not have legal standing.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Government has established requirements for recognition of religious organizations outside the country's three main faiths, Roman Catholicism, Protestantism, and Islam, which were officially recognized. Other religions were required to register as associations.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government restricted them in practice. Armed security checkpoints and arbitrary searches of vehicles and individuals were common. Undisciplined acts of some soldiers manning roadblocks, such as frequent demands for bribes before allowing citizens to pass, impeded free movement within the country.

In June, former president of the National Assembly and regime critic Dahuku Pere sent a letter to the Minister of Interior asking the Government to issue a passport and identity card to his son, Roland Hezuwe Pere, and return identity papers confiscated in July 2003. Pere also claimed that police confiscated his own identity card and the passports and nationality and birth certificates of Jean-Francois Komi Kodjo, Holasse Djidjoe Kodjo, and Kekeli Kodjo, children of former Prime Minister Agbeyome Kodjo. At year's end, the Government had not responded to Pere's letter.

On September 27, police issued a national identity card and returned nationality and birth certificates to Marc Palanga, the UFC leader in Kara. His previous national identification card had been confiscated at the time of his March 2003 detention, and the nationality and birth certificates were seized in June when he applied for a new national identity card. Police refused to return two of Palanga's vehicles.

On May 12, a judge lifted a prohibition on travel outside the country previously imposed on senior UFC leaders Jean-Pierre Fabre and Patrick Lawson. The police returned Fabre's passport and national identity card on May 13. The travel ban and document seizure took place after police charged Fabre and Lawson with public disorder in May 2003, apparently in connection with a political demonstration which turned violent and the fire bombings of two Total gas stations. The Government did not allow Lawson to leave the country to attend a seminar abroad in January.

On July 28, the Government provided a new Togolese passport to Paris-based opposition leader Gilchrist Olympio through the facilitation of the Catholic Community of Sant'Egidio. The Government seized Olympio's Ghanaian passport in April 2003. In October, the UFC party reported that the Government returned the Ghanaian passport to Ghanaian authorities who returned it to Olympio.

The Government permitted citizens to use a national identity card instead of a passport for travel to other member countries of the Economic Community of West African States.

The Constitution prohibits exile, and the Government did not employ it; however, several opposition and human rights workers remained in self-imposed exile because they feared arrest. Former Army Chief of Staff, Lieutenant Colonel Kouma Bitenewe, who fled to Benin in May 2003 after he claimed that members of the Kara Paracommandos Regiment headed by Lieutenant Colonel Ernest Gnassingbe, son of the President, attacked him in Kara, remained outside the country at year's end.

Although the law does not provide for the granting of refugee status and asylum in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, in practice, the Government has established a system for providing protection to refugees. The Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees during the year.

In 2002, UNHCR estimated there were 11,000 refugees from Ghana living in the North, near the cities of Bassar, Sotouboua, and Dankpen. A voluntary repatriation program for 508 Ghanaian refugees was not implemented because of unrest and instability in Ghana along the Togo-Ghana border in 2003 and during the year. According to the Government, there were approximately 800 refugees (mostly from Rwanda and the Democratic Republic of the Congo) registered in Lome and an approximate 1,200 additional refugees living in rural villages. According to UNHCR estimates, approximately 1,198 Togolese refugees lived in Benin and another 800 in Ghana.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their government peacefully; however, the Government restricted this right in practice. The Government and the State remained highly centralized. President Eyadema's national government appointed the officials and controlled the budgets of all subnational government entities including prefectures and municipalities, and influenced the selection of traditional chiefs. The National Assembly exercised no real oversight of the executive branch of the Government. The National Assembly largely approved the proposals of the President and the executive branch. Isolated cases of violence and irregularities that the appropriate governmental bodies failed to investigate marred the June 2003 presidential election. Observers invited for the election were supported by the Government and did not include groups with internationally recognized reputations as objective and neutral observers. The presence of heavily armed forces created an intimidating atmosphere. The military intimidated and harassed opposition parties. Following the June 2003 presidential elections, three opposition parties filed complaints with the Independent Electoral Commission (CENI), which referred them to the Constitutional Court. The opposition parties alleged numerous irregularities in the voting process. Neither the CENI nor the Constitutional Court seriously investigated these irregularities. The entire process, including the decision not to investigate the complaints, lacked transparency. In the end, the Government announced that President Eyadema won with 57.22 percent of the vote, a figure that could not be confirmed independently.

The Government began formal consultations in April with the EU. At the April 14 ceremony launching this process, the Government made 22 commitments in the areas of democracy, human rights, and the rule of law, which included holding a national dialogue with the traditional opposition and civil society; revision of the electoral framework and press code; ensuring freedom of association for political parties; organization of fair, transparent legislative and local elections; release of all political prisoners; and ensuring the independence of the judiciary and the national human rights commission.

A national dialogue with the traditional opposition and civil society began during the year; however, the opposition parties complained that, although invited to several meetings with the Government, they were not consulted about the agenda or structure of the dialogue. They further criticized the Government for insisting on presiding over the process itself and for declaring that the Government would be the final arbiter of any suggestions for action made by the opposition.

Long-delayed legislative elections were held in 2002, but the principal opposition parties boycotted the races. President Eyadema's RPT party won 72 out of 81 seats in the National Assembly. Three parties and one independent candidate all supportive of the Government shared the remaining nine seats. The Government said voter turnout was 67 percent, a figure contested by the main opposition parties as well as some of the government-sponsored international election observers. There were reports of intimidation and fraud.

Legislation passed in 2003 provides for the creation of prefecture, municipal, and regional councils; however, local elections scheduled for December 2003 were postponed and not rescheduled in during the year. One of the Government's commitments to the EU was to hold local elections within 12 months of April 14. The legislation empowers members of the regional councils to vote for two-thirds of members of the Senate (with the other third appointed by the President), which, along with the National Assembly, would comprise a bicameral Parliament. The legislation only provides Senate members the power to review proposed legislation.

Former National Assembly president and regime critic Dahuku Pere has not been paid the pension and lump-sum payment to which he is entitled as a former Parliamentarian, since his October 2002 departure from the National Assembly.

Official corruption was a problem. The Anti-Corruption Commission (CAC), established in 2001, was generally ineffective. According to the Government's official poverty reduction strategic paper, prepared in conjunction with the World Bank and U.N. Nations Development Program (UNDP), corruption and lack of transparency in the management of public funds was a problem throughout the Government.

There were 5 female members in the 81-member National Assembly, and there were 5 female ministers in the President's 26-member Cabinet. Members of southern ethnic groups were underrepresented in the Cabinet relative to their percentage of the general population.

Section 4 Government Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government generally allowed groups to investigate alleged violations of human rights; however, the Government occasionally threatened or hindered the activities of human rights activists and was inconsistent in following up on investigations of abuses. There were several domestic private human rights groups, including the LTDH, the Center for Observation and Promotion of the Rule of Law, and the Togolese Association for the Defense and Protection of Human Rights. Years of government threats and intimidation of human rights leaders, combined with a lack of results from human rights initiatives, have led some human rights groups to become inactive.

The lack of official recognition made it harder for some human rights groups to acquire technical and financial support from international organizations. For example, LTDH, the first independent human rights group in the country, was still unable to acquire official recognition.

In June, FIDH, in cooperation with LTDH, published a report critical of the country's human rights situation. When the Government convoked LTDH to participate in discussions of the country's political situation, government ministers reprimanded LTDH for working with a foreign organization to damage the country's image. LTDH asserted that at the same meeting, the Minister of Interior vowed to continue to block issuance of official recognition to the organization.

On March 3, the Ministry of Interior prohibited a human rights NGO--ONUTA--from conducting a series of seminars focused on democracy and political tolerance. The Ministry demanded that ONUTA harmonize its planned program with the views of the Government.

Unlike in the previous year, there were no reports of the Government impeding the work of international NGOs during the year.

The CNDH continued to be dominated by supporters of the President.

Section 5 Discrimination, Societal Abuses, and Trafficking in Person

The Constitution prohibits discrimination on the basis of ethnic group, regional or family origin, sex, religion, social or economic status, or personal, political, or other convictions; however, the Government did not provide effective redress for discrimination complaints. Discrimination against women remained a problem, as did favoritism among certain ethnic groups. Members of President Eyadema's Kabye ethnic group and other northern ethnic groups dominated much of the public sector, especially the military. Individuals with HIV/AIDS faced social discrimination, including rejection by their immediate families.

Women

Domestic violence against women continued to be a problem. Police generally did not intervene in abusive situations, and women were not made aware of the formal judicial mechanisms that would give them protection. As a result, the police rarely intervened in domestic violence incidents. According to an indigenous women's rights NGO, wife beating was estimated to affect approximately 6 percent of married women.

FGM continued to be practiced on approximately 12 percent of girls. The most commonly practiced form of FGM was excision, which usually was performed on girls a few months after birth. Most of the larger ethnic groups did not practice FGM. FGM is illegal and penalties for practitioners ranged from 2 months to 5 years in prison as well as substantial fines. The law was rarely applied because most FGM cases occurred in rural areas where neither the victims nor the police understood the law. Traditional customs often superseded the legal system among certain ethnic groups. The Government continued to sponsor seminars to educate and campaign against FGM. Several NGOs, with international assistance, organized educational campaigns to inform women of their rights and how to care for victims of FGM.

The Constitution declares women equal under the law; however, women continued to experience discrimination, especially in education, pension benefits, and inheritance as a consequence of traditional law. A husband legally could restrict his wife's freedom to work or control her earnings. In urban areas, women and girls dominated market activities and commerce; however,

harsh economic conditions in rural areas, where most of the population lived, left women with little time for activities other than domestic tasks and agricultural fieldwork. The Labor Code, which regulated labor practices, requires equal pay for equal work, regardless of gender; however, this provision generally was observed only in the formal sector. Under traditional law, which applied to the vast majority of women, a wife has no maintenance or child support rights in the event of divorce or separation and no inheritance rights upon the death of her husband. Polygyny was practiced.

The Ministry of Social Affairs, Promotion of Women, and Protection of Children, along with independent women's groups and related NGOs, continued to campaign actively during the year to inform women of their rights.

Children

Although the Constitution and family code laws provided for the protection of children's rights, in practice government programs often suffered from a lack of money, materials, and enforcement. Although the law protected children, there were many practices that discriminated against children, especially girls.

The Government provided education in state schools, and school attendance is compulsory for both boys and girls until the age of 15. According to the Government's official poverty reduction strategic paper, prepared in conjunction with the World Bank and UNDP, approximately 57 percent of children aged 5 to 11 years, mostly boys, attended school. In that age group, approximately 61 percent of boys and 53 percent of girls started primary school; however, only an estimated 43 percent of boys and 23 percent of girls reached secondary school. Approximately 3 percent of boys and 0.6 percent of girls reached the university level, literacy rates were 69 percent for adult men and 38 percent for adult women. The General Directorate of Education Planning in the Ministry of Education estimated one-third of the national budget was spent on education.

Orphans and other needy children received some aid from extended families or private organizations but little from the Government. There were social programs to provide free health care for poor children. In rural areas, traditionally the best food was reserved for adults, principally the father.

FGM was performed on approximately 12 percent of girls (see Section 5, Women).

There were reports of trafficking in children (see Section 5, Trafficking).

Child labor was a problem (see Section 6.d.).

Trafficking in Persons

The law does not prohibit specifically trafficking in persons, although other statutes against kidnapping, procuring, and other crimes linked to trafficking were used to arrest traffickers, and trafficking was a problem. Prosecution of traffickers was made difficult by the lack of legislation defining and criminalizing trafficking. The country remained a country of origin, transit, and destination for trafficking in persons, primarily children. More young girls than boys were the victims of trafficking. Trafficking in women for the purpose of prostitution or nonconsensual labor as domestic servants occurred.

Local committees were voluntarily set up in every region, and without financial or legal support, these committees investigated reports of trafficking. The Government had little or no funding to investigate traffickers or trafficking rings. The police had limited success in intercepting victims of trafficking, and prosecution of traffickers was rare. Most persons that security forces arrested or detained for trafficking ultimately were released for lack of evidence. No records were available of the number of individual traffickers who were prosecuted during the year.

Government agencies involved in anti-trafficking efforts included the Ministry of Social Affairs and Protection and Promotion for Family and Children, the Ministry of Health; the Ministry of the Interior; the Ministry of Justice; the Ministry of Labor; and the security forces (especially police, army, and customs units). The Government cooperated with the Governments of Ghana, Benin, and Nigeria under a Quadripartite Law allowing for expedited extradition among those countries.

The majority of the country's trafficking victims were children from the poorest rural areas, particularly those of Kotocoli, Tchamba, Ewe, Kabye, and Akposso ethnicities and mainly from the Maritime, Plateau, and Central regions. Adult victims usually were lured with phony job offers. Friends or family acquaintances usually approached children. Children sometimes were trafficked abroad by parents misled by false information. Sometimes parents sold their children to traffickers for bicycles, radios, or clothing.

Children were trafficked into indentured and exploitative servitude, which amounted at times to slavery. Victims were trafficked elsewhere in West Africa and to Central Africa, particularly Cote d'Ivoire, Gabon, Nigeria; Europe, primarily France and Germany; and the Middle East, including Saudi Arabia. Children were trafficked to Benin for indentured servitude and to Cote d'Ivoire and Ghana for domestic servitude. Boys were trafficked for agricultural work in Cote d'Ivoire and domestic servitude and street labor in Gabon. They were fed poorly, clothed crudely, cared for inadequately, given drugs to work longer hours, and not educated or permitted to learn a trade. There were reports that young girls were trafficked to Nigeria for prostitution.

The country was a transit point for children trafficked from Burkina Faso, Ghana, Cote d'Ivoire, and Nigeria. There were credible reports that Nigerian women and children were trafficked through the country to Europe (particularly Italy and the Netherlands) for the purpose of prostitution.

The International Labor Organization/International Program for the Elimination of Child Labor (ILO/IPEC) office in Lome reported that from September 2003 to August, local committees and security forces intercepted 1,837 children aged 6 to 17 in the process of being trafficked.

Traffickers were believed to be men and women of Togolese, Beninese, and Nigerian nationalities.

The Government provided limited assistance for victims, hindered primarily by a lack of resources. Terre des Hommes, an NGO, assisted recovered children until their parents or next-of-kin could be notified. Assistance was also available from a government-funded Social Center for Abandoned Children. NGOs have taken the lead in addressing this concern. CARE International-Togo worked with three local NGOs--Terre des Hommes, La Colombe, and Ahuefa--on reinsertion of trafficked children, sensitization of parents and communities, keeping children in schools, and supporting women's income-generating activities. During the year, ILO/ IPEC worked with other NGOs to increase awareness of the trafficking problem and to encourage the Government to pass and enact a law setting fines and penalties for anyone caught in the process of trafficking children.

During the year, local government officials worked closely with NGOs to conduct public awareness campaigns. ILO/IPEC assisted the Government in organizing and training regional and local committees, and in sensitizing and educating parents on the dangers of child trafficking and labor throughout the country.

Persons with Disabilities

The Government did not mandate accessibility to public or private facilities for persons with disabilities. Although the Constitution nominally obliged the Government to aid persons with disabilities and shelter them from social injustice, the Government provided only limited assistance in practice. There was no overt state discrimination against persons with disabilities and some held government positions. However, persons with disabilities had no meaningful recourse against private sector or societal discrimination, and in practice there was discrimination against persons with disabilities.

National/Racial/Ethnic Minorities

The population included members of approximately 40 ethnic groups that generally spoke distinct primary languages and were concentrated regionally in rural areas. Major ethnic groups included the Ewe (between 20 and 25 percent of the population), the Kabye (between 10 and 15 percent), the Kotokoli (between 10 and 15 percent), the Moba (between 10 to 15 percent), and the Mina (approximately 5 percent). The Ewe and Mina were the largest ethnic groups in the southern region and the Kabye was the largest group in the less prosperous northern region.

Although prohibited by law, members of all ethnic groups routinely practiced societal favoritism on the basis of ethnicity. In particular, favoritism by southerners for southerners and by northerners for northerners was evident in private sector hiring.

The relative predominance in private sector commerce and professions by members of southern ethnic groups, and the relative prevalence in the public sector and especially the security forces of members of President Eyadema's Kabye group and other northern groups, were sources of political tension. Political parties tended to have readily identifiable ethnic and regional bases: The RPT party was more represented among northern ethnic groups than among southern groups; the reverse was true of the UFC and CAR opposition parties.

In addition, due to the congruence of political divisions and ethnic and regional divisions, human rights abuses motivated by politics at times had ethnic and regional overtones.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides most workers with the right to join unions; however, security forces, including firefighters and police, did not have this right.

The Constitution also prohibits discrimination against workers for reasons of sex, origin, beliefs, or opinions. The Ministry of Economy and Finance estimated that the country's total workforce was approximately 1.6 (out of an estimated working population of 2.3 million persons). Approximately, 72 percent of the working population was in the agriculture sector where employment was not stable and wages were low. The informal sector provided for an estimated 22 percent of total employment. Approximately 60 to 70 percent of the formal sector workforce were union members or supporters.

The Labor Code prohibits foreign nationals from performing administrative or management functions in trade unions.

b. The Right to Organize and Bargain Collectively

The Labor Code nominally provides workers with the right to organize and bargain collectively; however, the Government limited collective bargaining to producing a single nationwide agreement that had to be negotiated and endorsed by representatives of the Government, labor unions, and employers. All formal sector employees were covered by the collective bargaining agreement that set nationwide wage standards for all formal sector workers. The Government participated in this process both as a labor-management mediator and as the largest employer in the formal sector, managing numerous state-owned firms that monopolized many sectors of the formal economy. Individual groups in the formal sector could attempt to negotiate agreements more favorable to labor through sector-specific or firm-specific collective bargaining, but this option was rarely used.

The Constitution provides most workers the right to strike; however, security forces and government health workers did not have this right. There is no specific law prohibiting retribution against strikers by employers. There were no strikes during the year.

The law allows the establishment of export processing zones (EPZs). Many companies had EPZ status, and approximately 80 were in operation. The EPZ law provides exemptions from some provisions of the Labor Code, notably the regulations on hiring and firing. Employees of EPZ firms did not enjoy the same protection against anti-union, as did other workers. Workers in the EPZs were prevented from exercising their freedom of association because unions did not have free access to EPZs or the freedom to organize workers.

c. Prohibition of Forced or Compulsory Labor

The law does not specifically prohibit forced compulsory labor, including by children, and children sometimes were subjected to forced labor, primarily as domestic servants (see Sections 5, Trafficking and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The Labor Code prohibits the employment of children under the age of 14 in any enterprise; however, child labor was a problem, with many children being employed in the agricultural sector, working on family farms. Some children started working as young as 5 years of age. These children routinely missed at least two-thirds of the school year. In some cases, children worked in factories.

For some types of industrial and technical employment, the minimum age is 18. Inspectors from the Ministry of Labor enforced these age requirements but only in the formal sector in urban areas. In both urban and rural areas, particularly in farming and small scale trading, very young children traditionally assisted in their families' work. In rural areas, parents sometimes placed young children into domestic work in other households in exchange for one-time fees as low as \$25 to \$35 (12,500 to 17,500 CFA francs).

The Ministry of Social Affairs, Promotion of Women, and Protection of Children was responsible for enforcing the prohibition of the worst forms of child labor; however, few resources were allotted for its implementation, and enforcement was weak.

e. Acceptable Conditions of Work

The Government sets minimum wages for different labor categories, ranging from unskilled through professional positions. In practice less than the official minimum wage often was paid, mostly to unskilled workers. Official monthly minimum wages ranged from approximately \$20 to \$33 (10,000 to 16,000 CFA francs) and did not provide a decent standard of living for a worker and family. Many workers supplemented their incomes through second jobs or subsistence farming. The Ministry of Labor was responsible for enforcement of the minimum wage system but did not enforce the law in practice.

Working hours of all employees in any enterprise, except for the agricultural sector, normally are not to exceed 72 hours per week; at least one 24-hour rest period per week is compulsory, and workers is expected to receive 30 days of paid leave each year. The law requires overtime compensation, and there are restrictions on excessive overtime work; however, the Ministry of Labor's enforcement was weak, and employers often ignored these provisions.

A technical consulting committee in the Ministry of Labor sets workplace health and safety standards. It may levy penalties on employers who do not meet the standards, and employees have the right to complain to labor inspectors of unhealthy or unsafe conditions without penalty. In practice, the Ministry's enforcement of the various provisions of the Labor Code was limited. Large enterprises are obliged by law to provide medical services for their employees and usually attempted to respect occupational health and safety rules, but smaller firms often did not.

Workers have the legal right to remove themselves from unsafe conditions without fear of losing their jobs; however, in practice some could not do so.

Labor laws do not provide protection for legal or illegal foreign workers.